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7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 Consumer Financial Protection
Bureau,

13 Plaintiffs,

14 v.

15 D and D Marketing, Inc., d/b/a
16 T3Leads, Grigor Demirchyan, and
Marina Demirchyan,

17 Defendants.

Case No. 2:15-cv-09692-PSG(Ex)

STIPULATION TO (1) WITHDRAW
APPLICATION TO CONTINUE
HEARING DATE ON MOTION TO
DISMISS, (2) CONTINUE HEARING
DATE ON MOTION TO DISMISS,
AND (3) MODIFY BRIEFING
SCHEDULE ON MOTION TO
DISMISS; [2] [PROPOSED] ORDER
(lodged under separate cover).

Current Hearing Date: Oct. 17, 2016
Proposed Hearing Date: Nov. 7, 2016
Time: 1:30 p.m.
Judge: Hon. Philip S. Gutierrez
Ctm: 880

1 This Stipulation is entered into between Plaintiff the Consumer Financial
 2 Protection Bureau (“Plaintiff”) and Defendants D and D Marketing, Inc., d/b/a T3Leads,
 3 Grigor Demirchyan, and Marina Demirchyan (collectively, “Defendants”) with
 4 reference to the following facts:

5 1. Plaintiff filed the first Amended Complaint in this action on June 30, 2016
 6 (ECF No. 37).

7 2. Defendants filed a Motion to Dismiss on August 1, 2016, and, after
 8 conferring with counsel for Plaintiff, set a hearing date for October 17, 2016, at 1:30
 9 p.m. (ECF No. 39).

10 3. This action is related to two separate actions pending before this Court: (1)
 11 *Consumer Financial Protection Bureau v. Dmitry Fomichev*, Civil Action No. 2:16-cv-
 12 2724-PSG(Ex); and (2) *Consumer Financial Protection Bureau v. Davit Gasparyan*,
 13 Civil Action No. 2:16-cv-2725-PSG(Ex).

14 4. Motions to dismiss the related actions have been filed and set for hearings
 15 on September 26, 2016 (Civil Action No. 2:16-cv-2724-PSG(Ex), ECF No. 29), and
 16 November 7, 2016 (Civil Action No. 2:16-cv-2725-PSG(Ex), ECF No. 31).

17 5. The motions in all three matters raise related arguments, and Defendants’
 18 Motion incorporates by reference an argument raised by the defendant in *Consumer*
 19 *Financial Protection Bureau v. Dmitry Fomichev*, Civil Action No. 2:16-cv-2724-
 20 PSG(Ex) (*D and D Marketing*, ECF No. 39 at 10, Memorandum of Points and
 21 Authorities at 3, n.1).

22 6. The interests of justice and efficiency would be served by hearing all three
 23 motions on the same day.

24 7. The Consumer Financial Protection Bureau and defendant Dmitry
 25 Fomichev have stipulated to a continuance of the hearing date in *Consumer Financial*
 26 *Protection Bureau v. Dmitry Fomichev*, Civil Action No. 2:16-cv-2724-PSG(Ex), from
 27

1 September 26, 2016, to November 7, 2016, so that the hearings in the related matters
2 may be coordinated (*Fomichev* ECF no. 30).

3 8. On August 18, 2016, Plaintiff filed an Application to Continue the Hearing
4 Date (ECF No. 41) in this matter from October 17, 2016, to November 17, 2016.

5 9. Before filing the Application, counsel for Plaintiff met and conferred with
6 counsel for Defendants about the Application. Although counsel for Defendants did not
7 oppose moving the hearing date, because of scheduling issues, counsel for Defendants
8 was concerned about the briefing schedule that would be dictated by a November 7,
9 2016, hearing date. The parties were unable to agree on a modified briefing schedule or
10 moving the hearing date.

11 10. After further meeting and conferring, Plaintiff and Defendants have agreed
12 to continue the hearing date on the Motion to Dismiss and modify the briefing schedule.
13 In addition, the parties agree that Plaintiff need not address the argument raised in the
14 Motion to Dismiss filed in *Consumer Financial Protection Bureau v. Dmitry Fomichev*,
15 Civil Action No. 2:16-cv-2724-PSG(Ex), that Defendants incorporated by reference
16 until Plaintiff files its Opposition to that separate motion.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff
18 and Defendants, through their respective counsel, that:

- 19 • Plaintiff's Application to Continue the Hearing Date on the Motion to
20 Dismiss is withdrawn;
- 21 • The hearing on the Motion to Dismiss shall be continued from October 17,
22 2016, to November 7, 2016;
- 23 • Plaintiff shall file its Opposition to the Motion to Dismiss on or before 9:00
24 a.m. pacific time on October 6, 2016; and

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26 ///

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- Defendants shall file their Reply on or before October 24, 2016.

Dated: August 19, 2016

AKIN GUMP STRAUSS HAUER & FELD LLP

By /s/ Ashley Vinson Crawford

Ashley Vinson Crawford

Attorneys for Defendants D&D Marketing, Inc.,
d/b/a T3 Leads, Grigor Demirchyan, and Marina
Demirchyan

Dated: August 19, 2016

CONSUMER FINANCIAL PROTECTION
BUREAU

By /s/ Kara Miller

Kara Miller

Attorney for Plaintiff Consumer Financial
Protection Bureau

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-4.3.1

I, Ashley Vinson Crawford, am the ECF User whose identification and password are being used to file this document. In compliance with Civil Local Rule 5-4.3.1, I hereby attest that all signatories have concurred in this filing.

Dated: August 19, 2016

AKIN GUMP STRAUSS HAUER & FELD LLP

By /s/ Ashley Vinson Crawford
Ashley Vinson Crawford
Attorneys for Defendants D&D Marketing, Inc.,
d/b/a T3 Leads, Grigor Demirchyan, and Marina
Demirchyan